REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claim 18 was rejected under 35 U.S.C. 102(e) as being anticipated by Shiohara (U.S. Pat. No. 6,822,754). Claims 1-27 [sic] were rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara in view of Crittenden et al. (hereinafter, "Crittenden", U.S. Pat. No. 5,566,351).

Shiohara discloses a print data generation system in which a temporary print request is sent to multiple printers. The system includes a selection element which selects one or more of the printers based on print processing information (e.g., print job progress state) received from each of the printers.

Shiohara discloses predicting a print wait time for each printer, at least based on the number of print pages of unprocessed print jobs registered in each printer, and selecting one or more of the printers based on the print wait time.

Shiohara does not indicate when a temporary print request should next be generated. From the disclosure, it would appear that the next temporary print request would be generated when a new print job needs to be sent to one of the plurality of printers. As discussed above, in Shiohara, the print processing information received from each printer is used to decide which printer to select for a new print job.

Crittenden discloses an adaptive polling technique by which the busy wait time of a peripheral device is computed dynamically. Referring to FIGs. 3 and 4 of Crittenden: "In order to maintain data throughput at a maximum rate, rather try to wait again the exact time that the system would otherwise be busy, a delay is determined based on the running average, by setting the wait to the average divided by 2, at block 110, the system is thereby being required to only wait half that time." [Crittenden, column 9, lines 7-12.] If a "not ready" indication (i.e., the device is not in the condition to accept data) is not the first such indication, "until a preselected number of busy polls has occurred, the wait continues to be reduced by a factor of 2." [Crittenden, column 9, lines 36-37.] "On the other hand, if the preselected number of busy polls has occurred, the wait is ramped up by multiplying the last wait by 125%." [Crittenden, column 10, lines 14-16.]

Applicant respectfully submits that an indication that a device is "not ready" to receive data does not constitute "determining a state of job progress". Nor does Crittenden

6

disclose or suggest determining an expected job completion time and using this to determine a delay time for polling a device.

Crittenden teaches adjusting a wait time depending upon whether a preselected number of busy polls has occurred. The number of busy polls provides no indication of a state of job progress; for example, regardless of the occurrence of a preselected number of busy polls, a job could be near the beginning, near the end, or somewhere in between.

The foregoing, it is respectfully submitted, does not constitute disclosure or suggestion of the claimed method for adapting the polling rate for collecting job information from a device. More specifically, with regard to claims 1, 13, 26 and 27, the collective teachings of Shiohara and Crittenden do not disclose or suggest: "setting a delay time depending upon the state of job progress; and querying the device for job information after the delay time has passed."

The rejection as formulated in ¶ 2 of the Office Action recites the language of claim 18 (original), not claim 18 (previously presented), and is accordingly traversed. With regard to claim 18, neither Shiohara or Crittenden disclose or suggest adjusting a polling rate depending upon job progress information. In fact, Shiohara does not include any discussion of a polling rate (or of any other rate). Moreover, the collective teachings of these references do not disclose or suggest querying a device for job progress information [as discussed above]... and iteratively adjusting the polling rate depending upon the job progress information until a job associated with the job progress information is completed.

For the reasons discussed above, withdrawal of these rejections is respectfully requested.

7

CONCLUDING REMARKS

Applicant submits that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Respectfully submitted,

August 30, 2006

Peter L. Holmes
Reg. No. 37,353
Attorney for Applicant

HENRICKS, SLAVIN & HOLMES LLP
840 Apollo Street, Suite 200
El Segundo, California 90245-4737
Telephone: (310) 563-1454
Facsimile: (310) 563-1460

8